

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Hon. Robert J. Jonker

v.

Case No. 1:16-cr-0233

MARY MICHELLE DRAKE,

Defendant.

/

ORDER OF DETENTION

This matter is before the Court on the government's motion for pretrial detention. Defendant has been charged with a two-count Indictment with conspiracy to distribute methamphetamine, in violation of 21 U.S.C.841(a)(1), (b)(1)(C), and distribution of methamphetamine, in violation of 21 U.S.C. § U.S.C.841(a)(1), (b)(1)(C). Both offenses carry a maximum term of imprisonment of ten years or more under the Controlled Substances Act. Accordingly, there is a statutory rebuttable presumption in favor of detention.

The government sought defendant's detention on the bases that she is a danger to the community, 18 U.S.C. § 1342(f)(1), and that she poses a serious risk of flight, 18 U.S.C. § 3142(f)(2)(A). The court continued a hearing today at which defendant was represented by counsel.

Having considered the evidence presented at the hearing, the parties' oral submissions, and the information in the Pretrial Services Report, and for the reasons stated on the record, the Court finds that defendant has rebutted the presumption of detention regarding risk of flight, but has not rebutted the presumption of detention as to danger to the community. The Court also finds, as explained on the record, that the government has sustained its burden of proving, by preponderant evidence, that defendant poses a serious risk of flight and, by clear and convincing evidence, that she poses a danger to the community. Further, the Court finds that there is no condition or combination

of conditions of release will ensure the safety of the community or the appearance of defendant.

Accordingly,

IT IS ORDERED that defendant is committed to the custody of the Attorney General pending further order of this Court.

DONE AND ORDERED this 13th day of December, 2016.

/s/ Phillip J. Green
PHILLIP J. GREEN
United States Magistrate Judge